

**Do it the American Way:
The Rise of Plea
Bargaining, Leniency
Agreements & Criminal
Settlement in Civil Law
Jurisdictions**

**October 23, 2:30 PM- 4:00 PM
ABA Section of International Law
2014 Fall Meeting - Buenos Aires, Argentina**

Our Panel

- Speakers:
 - Clémentine Duverne - White & Case, Paris, France
 - Federico Busatta - Gianni, Origoni, Grippo, Capelli & Partners, Milan, Italy
 - Federico Ramos - Arslanian & Associates, Buenos Aires, Argentina
 - Fabíola Emilin Rodrigues - Demarest Advogados, São Paulo, Brasil
- Moderator
 - Vânia Costa Ramos - Carlos Pinto de Abreu e Associados, Lisboa, Portugal

The case

- The client is a manager of a multinational construction company based in France.
- He is a U.S. and an Italian citizen.
- He comes to our offices and seeks advice on a corruption case.
- His firm had a policy of presenting gifts to holders of key political offices.
- The objective was to ensure that public construction would be promoted and public tenders would be opened for such constructions and handled as swiftly as possible (with an expectation that the presents would not be forgotten at the time of deciding on the tender).
- The client has been made aware that investigations on his company practices are ongoing in, at least, France and Argentina, due to business conducted in Argentina.

The case (2)

- He is not sure if they might also be under investigation in Brazil, concerning business in Brazil in the framework of a consortium with a Portuguese construction company.
- He fears that he could also be prosecuted in his home country, Italy.
- The client is concerned and wishes to resign his duties as a director, retire and go live in his summer house in Portugal.
- He wants to know if it would be better for him just to stay out of sight in Portugal (or elsewhere), or rather to “blow the whistle” and get some kind of immunity from prosecution.
- The most important thing for him is not going to jail. He is not concerned on whether the company might be subject to criminal prosecution or conviction, but he fears that the shareholders and a newly appointed director may try protect the company and “blow the whistle” first, putting all the blame on your client.

The questions

- Is there plea bargaining in your jurisdiction?
- How is the process of plea bargaining?
- How is plea bargaining in action?
- Does your jurisdiction have leniency agreements?
- How is the issue of confidentiality treated?
- Is there double jeopardy protection?
- Is extradition possible?
- Is plea bargaining changing law practice in your country?

Thank you!